

REMARKSClaim Rejections – 35 U.S.C. §103

Claims 1, 3, 4-8, 10-12, 14, 16-20, 23, 26, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Safety-Grip* in view of Mencarelli et al. (US 5,348,360).

Applicant respectfully submits that the present application claims the benefit of the priority date June 7, 2001 of application serial number 09/877,409, and that independent Claims 1, 12 and 26 of the present invention are supported by this parent application. The *Safety-Grip* reference has a date of August 3, 2001, as noted by Examiner in the Notice of References Cited. Since the *Safety-Grip* date is clearly *after* the June 7, 2001 priority date of the present application, the *Safety-Grip* reference is unavailable as a prior art reference. Applicant respectfully submits that since Examiner's obviousness rejection relies upon the *Safety-Grip* reference, and the *Safety-Grip* reference is unavailable as a prior art reference, Claims 1, 3-8, 11-14, 16-20, 23, 26, and 27 are nonobvious and currently in condition for allowance.

Even if *Safety-Grip* were available as a prior art reference, for a §103 obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. MPEP 2143.

Claim 1 recites a folding advertising system comprising "a railing having an outer surface ... a body having a first side and a second side opposite said first side,

said first side having printed indicia forming a visual image ... and a releasable adhesive disposed on said second side of said body, said releasable adhesive adhered to the outer surface of said railing."

Safety-Grip fails to disclose a body having a releasable adhesive that is adhered to the outer surface of a railing, as recited in Claim 1. Examiner even admits on Page 2 of the Office Action dated August 11, 2005 that the body in *Safety-Grip* "is secured to the railing by a zipper connecting its ends, rather than by an adhesive." However, Examiner argues that Mencarelli teaches that it was known in the art to attach a padded hand-grip to an elongated object by using an adhesive and that it would have been obvious to one having ordinary skill in the art to use an adhesive to attach the padded hand-grip disclosed by *Safety-Grip* to the railing, as taught by Mencarelli, in order to keep the grip from slipping on the railing.

Applicant respectfully submits that there is no suggestion or incentive found in either *Safety-Grip* or Mencarelli that would motivate one skilled in the art to modify the grip in *Safety-Grip* to be adhered to the outer surface of a railing by a releasable adhesive, as recited in Claim 1. Although Examiner argues that the motivation is to keep the grip from slipping on the railing, Applicant cannot find, nor has Examiner cited, any mention in *Safety-Grip* of the grip suffering from or being vulnerable to slipping on the railing. Furthermore, Applicant cannot find, nor has Examiner cited, any suggestion in Mencarelli of its adhesive being particularly useful in keeping the grip from slipping, let alone being a better means of preventing a grip from slipping on a railing than the zipper in *Safety-Grip*. Mencarelli does not identify any importance or specific advantage with the use of an adhesive that would motivate one skilled in the art to modify the grip in *Safety-Grip* to be adhered to a railing by a releasable adhesive.

Therefore, Applicant respectfully submits that Claim 1 is nonobvious over *Safety-Grip* in view of Mencarelli, and is currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Since Claims 3-8 and 10-11 are dependent from Claim 1, they are also patentable as they contain the same limitations as Claim 1. Therefore, Applicant respectfully submits that Claims 3-8 and 11 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

The same arguments made above with respect to the patentability of Claim 1 are applicable to the patentability of Claim 12 as well. Therefore, Applicant respectfully submits that Claim 12 is currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Since Claims 14, 16-20 and 23 are dependent from Claim 12, they are also patentable as they contain the same limitations as Claim 12. Therefore, Applicant respectfully submits that Claims 14, 16-20 and 23 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

The same arguments made above with respect to the patentability of Claim 1 are applicable to the patentability of Claim 26 as well. Therefore, Applicant respectfully submits that Claim 26 is currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

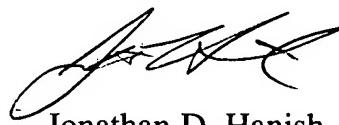
Since Claim 27 is dependent from Claim 26, it is also patentable as it contains the same limitations as Claim 26. Therefore, Applicant respectfully submits that Claim 27 is currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

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If the Examiner has any questions regarding this application or this response, the Examiner is requested to telephone the undersigned at 775-586-9500.

Respectfully submitted,
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